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FROM

Isaac Hopper
of New York

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MEMORIAL AND REMONSTRANCE

OF

THE COMMITTEES APPOINTED BY THE YEARLY MEETINGS OF FRIENDS OF GENESEE, NEW-YORK, PHILADELPHIA, AND BALTIMORE,

TO

THE PRESIDENT OF THE UNITED STATES;

IN RELATION TO

THE INDIANS

IN THE STATE OF NEW-YORK.

NEW-YORK:

MERCEIN & POST'S PRESS, 240 PEARL STREET.

1840.

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Friends, Society of — Committees on Indian concerns appointed by the 4 yearly meetings of Friends of Genesee, New York, Philadelphia and Baltimore

TO THE

PRESIDENT OF THE UNITED STATES.

THE undersigned, on behalf of the several Committees on Indian Concerns, appointed by the four Yearly Meetings of Friends of Genesee, New-York, Philadelphia, and Baltimore,

RESPECTFULLY REPRESENT—

THAT the religious Society of Friends, since the first settlement of Pennsylvania, has ever maintained with the aborigines of our country the most cordial and friendly relations. The numerous acts of kindness, the protection and support, received by our emigrating ancestors, from that people, have left on the minds of their successors the most lasting impressions of gratitude. The friendship cemented by the justice and magnanimity of William Penn, on the one side, and by the benevolent conduct of the natives, on the other, has been as lasting as it was honorable to both. The original treaty between them was never violated on either side. When the administration of the colonial government had passed out of the hands of the proprietaries, Friends did not forget the obligations of gratitude and justice. On all proper occasions they appeared in behalf of the Indians, as their friends and counsellors. They sent agents among them to instruct them in the arts of civilized life, and, at great expense of time and money, labored for their civilization and improvement. The Senecas, Tuscaroras, Cayugas, Onondagas, and Oneidas, from their proximity to the settlements of our people, became the peculiar objects of our care.

It is not, therefore, from any desire to meddle in the affairs of government—or to call in question the benevolence of its

intentions—or to interfere with the just claims of any of our fellow-citizens, that we appear on the present occasion. Our object is, that the government of our country may exercise justice and mercy towards a weak and defenceless people, and maintain a character, that, while it stands without reproach in the face of the world, will command the respect of every virtuous citizen.

A treaty, concluded between the United States and some of the chiefs, head men and warriors, of the several tribes of New-York Indians, bearing date January 15th, 1838, was, by the President, transmitted to the Senate for its consideration. The great object of this treaty, on the part of the government, was the removal of that people to certain lands assigned them, beyond the Mississippi. The Senate, designing to do justice between the parties interested, and to shield the Indians from the aggressions and fraud of the whites, with a magnanimity proper to the exalted station assigned it by the Constitution, refused to ratify that instrument, in form, as presented. The treaty was amended in several important particulars, and it was then ordered, that so modified, it should be "fully and fairly explained to each tribe separately in open council, and that a majority of the chiefs should voluntarily and freely assent to each and all of the amendments made by the Senate: This being done, and the treaty signed by such majority, it was to be binding, otherwise to have no force or effect."

The object of the Senate, in thus directing that the treaty, so amended, should be "fully and fairly explained in *open council*," was obviously to prevent frauds, so easily practised by artful men, upon an unlettered and unsuspecting people. The Senate well knew, that all the means which avarice could bring into action, might be *privately* employed in order to remove the Indians. They knew that 116,000 acres of rich and fertile land, surrounded by populous cities and towns, and in the very heart of an agricultural district, highly improved, and extremely productive, were a great temptation; and they wisely and honorably prescribed, that the transaction should take place "in *open council*."

The directions of the Senate, so far as it enjoined that the amendments to the treaty should be fully and fairly explained to each of the tribes in open council, appear to have been complied with; and it is to be presumed, that the Indians well understood those explanations. But, what was the result? The United States Commissioner, in a letter, dated Washington, October 25th, 1838, says, "I then received *sixteen* signatures!"

On the part of those who are in favor of emigrating, it is affirmed, that the number of chiefs, duly qualified, is but "*eighty-one*," while the non-emigrating party declare there are upwards of *ninety*. Taking, however, the lowest number, there were but *sixteen* chiefs out of *eighty-one*, who signed the treaty "in open council!"

But the commissioner, (by what authority is not stated,) had informed the Indians, that "those who from *fear*, or other cause, should prefer to sign the treaty at his room, might do so." In pursuance of this arrangement, *thirteen* chiefs were induced to come forward and sign the treaty in the commissioner's room. Subsequently, *two* other signatures were obtained, by waiting on the chiefs in their own private houses! Thus, the names of *thirty-one*, out of more than *eighty* chiefs, appear as sanctioning that treaty!

Of this procedure on the part of the commissioner, the Indians heavily complain. They affirm it to have been the uniform practice of the nation, to execute such instruments in *open council*, unless in cases where delegates were specially appointed by the nation, for that purpose. To a people who have not the use of a *written* language, customs, sanctioned by immemorial usage, have the force of laws—are respected by them as such—and ought to be so respected by others. It requires but little knowledge of human nature to perceive that the mode of procuring signatures to a treaty, as adopted by the commissioner, if sanctioned by the government, must open a door for all manner of corruption and fraud! That it did so on the present occasion, is affirmed by the Indians, and proved by a long train of evidence of unquestionable character.

If the Senate, by directing that an *explanation* of the amendments, should be had in "open council," intended to prevent frauds, why should their *execution* be in private? We cannot perceive that there is *more*, or even *as much* danger of fraud in a *private explanation*, as in a *private execution* of a treaty; and we see no ground in the resolution of the Senate, for supposing that it intended a *private execution* of that instrument.

The treaty, thus signed, was returned to the Executive. Not satisfied that the requisitions of the Senate had been complied with, the President, with a just regard to the high trust reposed in him, refused to sanction the proceedings of the commissioner; so far as regards the *Seneca* nation.

Having failed to obtain such an assent to the amended treaty as the resolution of the Senate required, the commissioner again repaired to the Seneca nation, and there directed the sub-agent of the United States, to give public notice, that he was present, and authorized to take the signatures of such chiefs as desired to give them. In his second report to the office for Indian affairs, he says; "After this notice, *ten* additional names were received to the assent, making in all *forty-one*. Three additional names were subsequently forwarded to Washington, after the treaty was under consideration.

It becomes our duty, now, to show by what means the names of a very considerable number of the chiefs, who signed, or appear to have signed that treaty, became attached to it. We have seen that only *sixteen* of them signed it in open council; the others, amounting to *twenty-eight*, were *privately* obtained.

It may be proper here to premise, (though the fact is generally known,) that the Ogden Company hold a pre-emptive claim to the lands of the Seneca Indians; that is, as we understand it, an *exclusive* right to purchase these lands, when the present owners choose to sell them. This right is vested in that company, by purchase from the assigns of the state of Massachusetts. Powerful in its resources, this company is seeking, by various means, to dispossess the Indians. Whenever, and wherever a treaty is to be held with this nation, then

and there we find the Ogden Land Company, by its agents, prepared to put in operation their measures, to persuade or drive these Indians from their present homes.

Among the various means employed to obtain signatures to the treaty, one is by large rewards and specious promises, to secure the services of influential chiefs, and binding them "to use their best exertions and endeavors to dispose and induce the said Indians to sell and release, by treaty, their lands." By sundry documents, exhibited to us by the Seneca Indians, at the late council held at Cattaraugus, it appears, that to *eight chiefs* of that nation, the payment of $21,600 was promised upon the faith of written articles, duly executed by the company's agent for the purpose aforesaid.

By an article of agreement between the said agent and John Snow, a Seneca chief, dated 29th July, 1837, the said chief was to receive the sum of $2000 and a lease, for life, of the farm on which he resides. Afterwards, when the amended treaty was pressed upon him, he declares, under oath, that General Potter, agent of the said company, offered him the sum of four thousand dollars if he would sign the assent to the amendments—and that he should have a deed for two hundred and thirty acres of land whenever he should choose it; and that deponent's wife might call on him for fifty dollars. After his signature was obtained, as described in the affidavit, Potter made him a present of one hundred dollars.

Samuel Gordon, another of said chiefs, by an article, dated Aug. 7th, 1837, was to receive, for his services in the premises, the sum of six thousand dollars.

George Bennet, another chief, by an article, bearing date Aug. 7th, 1839, was to receive, on the same account, the sum of six thousand dollars.

George Bigdeer, another of said chiefs, for the like services, was to receive the sum of one thousand dollars, and a lease for ten years, of the land on which he resided, containing about fifty acres, as appears by an article, dated Sept. 16th, 1837.

Blue Eyes, another chief of that nation, for *signing the treaty*, and for his services as aforesaid, was to receive two thousand

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ment in relation to his tribe. "In business there is much greater diligence and industry; their teams, in respect to oxen, horses, wagons, sleighs, &c. are more in number, and better in quality than formerly, and in these respects there is a constant improvement. The men labor more, comparatively, and the women less, except in their appropriate sphere. With regard to buildings, they are much more conveniently planned, and of the best materials, both dwelling-houses and barns, and new ones constantly going up. Those who have not lands of their own, under cultivation, are much more willing to hire themselves to labor for others,—this shows that the idea that 'work is dishonorable' is done away. There are amongst us good mowers and cradlers, and reapers. Blacksmiths, carpenters, shoemakers, and other mechanics, do work enough for their brethren. There are several wagons in the nation that are worth more than one hundred dollars. Manure is sometimes applied, which but five years ago was almost universally wasted. With regard to their mode of living, tables, chairs, bedsteads, and cooking apparatus, have been purchased of the whites, or manufactured in imitation of them; and they are used to a greater or less extent in every family. The habit of taking regular meals is gaining ground, and the provision luxurious. They are more attentive and judicious in the care of the sick, and rely less on notions and quackery. They employ skilful physicians, and use the medicines with less prejudice and a great deal more confidence. We have other evidences of improvement in the increase of industry, and a consequent advance in dress, furniture, and all the comforts and improvements of civilized life. The fields of the Indians have never been kept in such good order, nor managed with so much skill, as within a few years. At public meetings and other large assemblies, they appear comfortably and decently, and some of them richly clad. There are many of them who keep themselves well informed of what is going on in the country. Newspapers have been taken from Washington, Philadelphia, New-York, and other cities in the United States;

and two or three copies of the 'Genesee Farmer.' Some young men have libraries, and in them a choice selection of books. All these improvements are advancing at a rapid rate."

From other sources of information, and from our own knowledge, we believe this picture is not over-colored. The increasing intelligence of the Indians is qualifying them better to appreciate the advantages of their present location, and the consequence is, that they are more and more averse to a change of residence. The events of the two preceding years have caused them to reflect, to investigate, to reason; and a number of those who, when the subject of emigration was first proposed, and large rewards offered for their compliance with the measure, were willing to sign the treaty; have since become the most decided opponents of the scheme.

By a census taken during the present summer, and confirmed by affidavits, it appears that not *one-fifteenth* part of the Seneca nation are willing to go to the west; and this we believe to be the result of their own deliberate conviction, as strongly, and in a very affecting manner, expressed by one of their chiefs, in the presence of the Secretary of War, at the late council held at Cattaraugus. Out of a population of two thousand four hundred and forty-nine, on the four Reservations, there are only one hundred and thirty-eight who are willing to remove, including the children of parents in favor of emigration.

But it has been maintained by the pre-emption company, and their advocates, that those willing to emigrate have been deterred from signing the treaty through "fear:" and the United States Commissioner, R. H. Gillett, very plainly insinuates the same idea, where he says, "those, who, through fear, or other cause, should prefer to sign the treaty at his room, might do so." Now, supposing, that a majority of chiefs had signed the treaty, and that such majority implied a majority of the people, we see no cause why there should not be as much fear on the one part as on the other; for they are all Indians, and one

party is no more entitled to the character of savages than the other. If, however, there is a consciousness of perfidy and wrong on the side of the minority—if it has yielded to improper influences, and from selfish motives, has done what it could to drive from their native homes fourteen-fifteenths of their brethren and sisters, it is very reasonable to suppose such minority would be haunted with those fears which are the usual concomitants of guilt. If the emigrating party is as anxious to go, as the other is to stay, why should there not be as much fear in one case as in the other? We consider the allegation of fear, a pretext or an excuse for a private execution of the treaty, in violation of the established usages of the nation.

By the report of the Senate's committee, it appears to have been their opinion, that in order to a fair expression of the national will, the signatures of the chiefs ought to have been affixed to the treaty in open council. "If," say they, "these forty-four had signed the amended treaty in open council, the committee would consider that the requirements of the Senate had been complied with; at least with the *appearance* of having a majority." But we have seen that only sixteen names out of eighty-one were thus obtained. On this principle, it was not then, nor is it now a valid treaty.

We have seen by the census of the four Reservations, that less than *one-fifteenth* part of the nation are in favor of removal; a conclusive evidence that the signatures reported by the United States Commissioner, do not fairly express the will of the people; and this fact carries with it a strong presumptive evidence that most of the chiefs who signed the treaty, were influenced by other motives than *the will* of their constituents.

Under these circumstances, if there be real cause of fear, that fear should have reference to the period when they meet their brethren beyond the Mississippi, suffering under a consciousness of wrong, and irritated by the difficulties and privations incident to a new settlement in an uncultivated wilderness.

But, if the emigrating party really believe it would be for their interests, and the interests of their children, to return to the habits and manners of savage life, their more liberal opponents would not interpose to thwart their views. In the late council at Cattaraugus, the non-emigrating party, in the presence of the Secretary of War, announced their willingness that "those who are willing to go, may go, and take their share of the common property." "We will not," said their official organ, "refuse them their share of whatever belongs to them.' An offer so liberal and so just, we think, ought to satisfy them.

Under former administrations, it was a favorite policy of the government, to promote the civilization of the Indians, and large sums were appropriated for that purpose. But many of our fellow-citizens now entertain the sentiment, and we have no doubt very sincerely, that the Indian is an untamable savage, made for the wilderness, and only capable of subsisting in a state of nature! We think the statement erroneous—that circumstances only make the difference between them and the white men. Our ancestors, in the island of Great Britain, when the polished Roman invaded their territory, were as savage as the natives of our own country, at the planting of the first colony in Virginia; they painted their bodies and clothed themselves in skins. Centuries rolled away; the example of a civilized state, with all of its advantages, were before them, and yet they remained nearly as barbarous as when first visited by a Cesar! Six hundred years after the invasion, they were far less improved in the arts of civilized life, than are our Indians, after a lapse of one-fourth part of that time. In the Seneca nation, the march of improvement in science and morals, as well as in their physical condition, is, perhaps, without a parallel in the history of our species! It is true much is yet to be accomplished—but the lights of experience shine on our path—the facilities of intercourse are astonishingly multiplied—and nothing, we think, is wanting to the consummation of our wishes, for the complete civilization of the New-

York Indians, but a faithful application of the means which a benevolent Providence has put into our hands, or placed within our reach.

We had fondly hoped that this small remnant of the once powerful nations, which, but little more than a century ago, peopled our forests, and covered the face of our vast country; might have been permitted to enjoy in peace the small remains of their inheritance! We had hoped, that by the fostering care, and kind protection of our government, they might have been preserved to future generations, a fair specimen of our aboriginal race—a noble monument of the justice and magnanimity of our nation; and, we trust, that these hopes may not yet be wholly frustrated. In a national point of view, their removal can be no prominent object—they are few in number, and occupy little room!

In the peaceable possession of their lands and improvements, these Indians are entitled to the protection we ask for them, not only by the requisitions of mercy and justice, but by the express assurance of the government, whose faith has been solemnly and publicly pledged for that purpose. By an instrument of writing, under the hand of General Henry Dearborn, and seal of the war office, dated March 17th, 1802, now more than thirty-seven years ago, it is among other things, declared, "that all lands claimed by and secured to the Seneca and Onondaga Indians, by treaty, convention, deed of conveyance, or Reservation, lying and being within the said United States, shall be and remain the property of the said Seneca and Onondaga Indians, for ever; unless they shall voluntarily relinquish or dispose of the same. And all persons, citizens of the United States, are hereby strictly forbidden to disturb the said Indian nations, in the quiet possession of said lands."

By those who desire the removal of the Indians, without regard to the means, it is contended, that a signature of the treaty, by a majority of the chiefs, ought to sanction its ratification. If such majority had signed it in the free and unbiased exer-

cise of their judgment, we should not have appeared on the present occasion. We have no desire, either to prevent the Indians from pursuing their happiness in their own way, or to oppose the pre-emption company, in the pursuit of their interests, by just and honorable means. But, when questions, deeply affecting the rights of others, are to be decided by majorities, it ought to be presumed, that a *majority* of votes, on such questions, fairly represents the will of *a majority* of the people interested. To support a contrary opinion, would be to argue, that the will of a *minority* should govern in the case, and thus to remove the very foundation of all republican institutions. We are confident, that our present rulers are not prepared, either in theory or practice, to support such a doctrine; and all we ask, in the present case, is, that the amended treaty may not be ratified, until, after a fair and impartial investigation, it shall appear that a *majority* of *the Indians* interested in that treaty, are in favor of its stipulations.

We thus express ourselves because of the high confidence we feel in the integrity of our government; a confidence supported and confirmed by its past action in reference to this treaty. A committee of the Senate, in the report which has been before alluded to, has nobly sustained the sentiments of the memorialists. In that report, they say, "If these forty-four had signed the amended treaty in open council, the committee would consider that the requirements of the Senate had been complied with, *at least with the appearance of having a majority;* but it is in vain to contend that the signatures of the last *ten*, which were obtained on the *second* mission, or of the *three* who have sent on their assent lately, *is such a signing* as was contemplated by the resolution of the Senate. It is competent, however, for the Senate to waive the usual and customary forms in this instance, and consider the signatures of these last *thirteen* as good as though they had been obtained in open council. But the committee cannot recommend the adoption of such a practice in making treaties, for divers good reasons,

which must be obvious to the Senate. Among those reasons against the *secret individual negotiations*, is the distrust created, that the chiefs, by so acting, are doing what a *majority* of their *people* do not approve, or are improperly acted upon by *bribery* or *threats* and *unfair influences.*"

To contemplate a forcible removal of the Indians, and the heart-rending scenes that must accompany such removal, is shocking to every sentiment of justice and humanity. To see a great and powerful nation, lending its aid to oppress the weak and helpless, must tend to loosen the attachment of the people to their government, and would do more to weaken the bond of our national union than all the enemies of a just people could ever effect. The United States, by the peculiar nature of their institutions, stand conspicuously before the world. On the purity of our national administration, in a great measure, depends, not only the happiness and prosperity of our own citizens, but, perhaps, the success of one of the most momentous and interesting experiments which has ever been exhibited to the view of mankind. The great question, whether in a collective capacity men are capable of self-government, is yet to be finally decided. The happy decision of that question depends upon the virtue of the nation. May the great Ruler of the Universe, in his boundless mercy, so direct the delegated authorities of our country, that in all their decisions involving the rights of others, they may be governed by the principles of truth and justice; for it is a maxim sanctioned by Divine authority, and in perfect accordance with universal experience, that "Righteousness exalteth a nation, but sin is a reproach to any people." And may the President, when he retires from the arduous duties of government, to the quiet enjoyment of private life, experience the highest reward of an upright statesman, the inward consciousness that in all his movements he has honestly endeavored, by the worthiest means, to promote the

best ends—the present and future welfare of his country and of mankind.

Signed on behalf of the said committees,

GRIFFITH M. COOPER, WILLIAM S. BURLING,	*Genesee.*
VALENTINE HICKS, AMOS WILLETS, ABRAHAM BELL, ROBERT HICKS, SAM'L J. UNDERHILL,	*New-York.*
BENJ. FERRIS, JOHN WILSON MOORE, JOHN JACKSON, RICH'D PRICE,	*Philad'phia.*
PHILIP E. THOMAS, PHINEAS JANNEY, WILLIAM E. BARTLETT,	*Baltimore.*

11*th mo.* 2, 1839.

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